

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/259,619
Applicant(s): Timothy Labadie
Filed: March 1, 1999
Title: INTERNET BASED PAYMENT SYSTEM
A.U.: 3624
Examiner: Ella Colbert
Docket No.: 210655.90018

STATEMENT REGARDING SUBSTANCE OF TELEPHONE INTERVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On December 5, 2006, I contacted Examiner Ella Colbert regarding the Office Action Summary of the Office Action dated October 18, 2006.

The Office Action Summary erroneously indicates that the above-identified application has been granted special status under the accelerated examination program and that a response must be filed within one month with no opportunity of extension.

In our previous telephone interview of November 2, 2006, Examiner Colbert agreed that Applicant has not requested accelerated examination for the application. Examiner Colbert agreed that this application has not been granted special status under the accelerated examination program and that the improper Office Action Summary was sent due to a clerical error. Examiner Colbert agreed to issue a corrected Office Action, including a proper Office Action Summary, before November 18, 2006, which would be the Office Action response due date if this application was in the accelerated examination program.

On December 5, 2006, I alerted Examiner Colbert that we had not yet received a corrected Office Action including a corrected Office Action Summary. Examiner Colbert indicated that she would issue a corrected Office Action and that our response to the corrected Office Action would be due three months from the mailing date of the corrected Office Action. Examiner Colbert agreed to fax a copy of the corrected Office Action; however, we received only a corrected Office Action Summary. Examiner Colbert faxed us an Office

Action Summary sheet on December 5, 2006, a copy of which is attached as Applicant's Exhibit A.

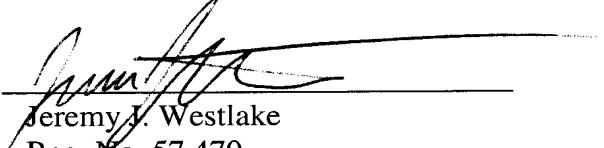
As of December 15, 2006, we have not received a complete corrected Office Action including the Office Action Summary faxed to us on December 5, 2006. Additionally, the PAIR system does not indicate that such a corrected Office Action has been issued.

We await a corrected Office Action in reliance on Examiner Colbert's indication that a corrected Office Action will be issued, and our response to the corrected Office Action will be due three months from the date of mailing of the corrected Office Action.

Please do not hesitate to contact the undersigned if you have any questions or if I can be of further assistance.

Respectfully submitted,

TIMOTHY LABADIE

By: 

Jeremy J. Westlake
Reg. No. 57,470
Attorney for Applicant
Quarles & Brady LLP
411 E. Wisconsin Avenue
Milwaukee WI 53202-4497
PH: (414) 277-5723
FAX: (414) 978-8792